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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,693	08/16/2001	Christopher M. Tobin	080398.P402	5745

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EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,693

Applicant(s)

TOBIN ET AL.

Examiner

John M. Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-17, 19-23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-17, 19-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-9,12-17,19-23, 25 and 26 remain pending.

Claims 10,11,18 and 24 have been canceled

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Response to Arguments

The Applicants arguments filed on September 2, 2005 have been fully considered.

The Examiner acknowledges the Information Disclosure Statement filed on July 1, 2003.

Examiner submits that the amended claims 1, 14,20 and 26 are rejected under 35 U.S.C. 112 for the usage of vague and indefinite language.

See following rejection

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 14,20 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, 14, 20 and 26 recites the limitation " the device identifier providing no apparent identification of any used authorized to use the transaction device" this claimed feature imposes no further limitation upon the claim since the term "apparent identification" is arbitrary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9,12-17,19-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie et al (WO 01/031545) in view of Johnson (WO 01/53971 A1) and further in view of Jakobsson et al. (EP 1 150 227 A1) and further in view of Stolfo et al. US Patent Application Publication 2001/0044785)

As per claim 1,

Ogilvie et al ('545) discloses a computerized method to monitor and manage delivery of a package to a user comprising:

receiving a redirection request for the package from a transaction device after completion of an order for items to be included in the package, the redirection request specifying a package identifier for the package and a new delivery location;(Page 3, lines 13-24)

Ogilvie et al ('545) does not explicitly disclose "transmitting the package identifier and the new delivery location to an entity responsible for the package", Johnson et al.('971) discloses "transmitting the package identifier and the new delivery location to an entity responsible for the package".(Page 12, lines 15-18 [receives and identifier and determines associated users address]) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Johnson et al.('971) method in order to allow the user to securely send articles to a third party address..

Ogilvie et al ('545) does not explicitly disclose "transaction privacy clearinghouse", Stolfo et al.('785) discloses "transaction privacy clearinghouse ".(Figure 1, [elements 112 and 128]) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Stolfo et al.('785) method in order to promote electronic commerce by enabling anonymous electronic purchases of items.

Ogilvie et al ('545) does not explicitly disclose "wherein the package would otherwise be delivered to a current delivery location ", Johnson et al.('971) discloses "wherein the package would otherwise be delivered to a current delivery location ".(Page 2, paragraph 8) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Jakobsson et al.('971) method in order to allow promote electronic commerce by enabling anonymous electronic purchases of real items.

Ogilvie et al ('545) does not explicitly disclose "the package would otherwise be delivered to a current delivery location" The examiner notes that it would be obvious to anyone skilled in the art of bulk package delivery that unless otherwise specified a package would be delivered to the default address specified on the package.

As per claim 2,

Ogilvie et al ('545) discloses the computerized method of claim 1, further comprising: sending a delivery notification for the package to the transaction device.(Page 5, lines 13-

15)

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As per claim 3,
Ogilvie et al ('545) discloses the computerized method of claim 1, further comprising:
receiving a status request specifying the package identifier from the transaction device;
(Figure 1B)
transmitting delivery information for the package associated with the package
identifier to the transaction device.(Page 14, line 32 – page 15 lines 1-5)

As per claim 4,
Ogilvie et al ('545) discloses the computerized method of claim 1,
wherein the entity responsible for the package is a vendor of an item included in the
package.(Figure 1A-2)

As per claim 5,
Ogilvie et al ('545) discloses the computerized method of claim 1,
wherein the entity responsible for the package is a distribution network.(Figure 1A-2)

As per claim 6
Ogilvie et al ('545) discloses the computerized method of claim 1, further comprising:
generating an authentication code that releases the package from the new delivery
location when the new delivery location is a secure delivery location; associating the
authentication code with the package identifier, communicating the authentication code to the
secure delivery location; and transmitting the authentication code to the transaction device.(Page
9, lines 23-31)

As per claim 7
Ogilvie et al ('545) discloses the computerized method of claim 6,
wherein communicating the authentication code to the secure delivery location
comprises: transmitting the authentication code directly to the secure delivery location.(Page 9,
lines 23-31)

As per claim 8
Ogilvie et al ('545) discloses the computerized method of claim 6;
wherein communicating the authentication code to the secure delivery location
comprises: transmitting the authentication code to the entity responsible for the package for
subsequent transmission to the secure delivery location.(Page 8, lines 10-16)

As per claim 9
Ogilvie et al ('545) discloses the computerized method of claim 6;
Official Notice is taken that “transmitting the authentication code to the user causes the
authentication code to be stored in a transaction device device that communicates the
authentication code to the secure delivery location to release the package” is common and well
known in prior art in reference to secured transactions. It would have been obvious to one
having ordinary skill in the art at the time the invention was made to transmit a authentication

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code to a device that subsequently stored the code in order to prevent fraudulent usage of the delivery system.

As per claim 12

Ogilvie et al ('545) discloses the computerized method claim 11,

Ogilvie et al ('545) does not explicitly disclose "wherein the transaction device is selected from the group consisting of a privacy card, a digital wallet, a privacy card coupled to a digital wallet", Johnson et al.('971) discloses "wherein the transaction device is selected from the group consisting of a privacy card, a digital wallet, and a privacy card coupled to a digital wallet." (Page 12, lines 19-22) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Johnson et al.('971) method in order to protect the users identity.

As per claim 13

Ogilvie et al ('545) discloses the computerized method claim 11,

Official Notice is taken that "verifying the device identifier through a transaction privacy clearing house to validate the transaction device" is common and well known in prior art in reference to secured transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to validate the user via authentication of a devices ID in order to prevent fraudulent usage of the delivery system.

As per claim 14,

Ogilvie et al ('545) discloses a machine-readable medium having executable instructions to cause a machine to perform a method comprising:

receiving a redirection request for a package from a transaction device after completion of an order for an item to be included in the package, the redirection request specifying a package identifier for the package and a new delivery location;(Page 3, lines 13-24)

Ogilvie et al ('545) does not explicitly disclose "transmitting the package identifier and the new delivery location to an entity responsible for the package", Johnson et al.('971) discloses "transmitting the package identifier and the new delivery location to an entity responsible for the package" (Page 12, lines 15-18) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Johnson et al.('971) method in order to allow the user to securely send articles to a third party address..

Ogilvie et al ('545) does not explicitly disclose "wherein the package would otherwise be delivered to a current delivery location ", Johnson et al.('971) discloses "wherein the package would otherwise be delivered to a current delivery location ".(Page 2, paragraph 8) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Jakobsson et al.('971) method in order to allow promote electronic commerce by enabling anonymous electronic purchases of real items.

As per claim 15,

Ogilvie et al ('545) discloses the machine-readable medium of claim 14, wherein the method further comprises:

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15) sending a delivery notification for the package to the transaction device.(Page 5, lines 13-15)

As per claim 16,
Ogilvie et al ('545) discloses the machine-readable medium of claim 14, wherein the method further comprises:

receiving a status request specifying the package identifier from the user; (Figure 1B)
transmitting delivery information for the package associated with the package identifier to the transaction device.(Page 14, line 32 – page 15 lines 1-5)

As per claim 17
Ogilvie et al ('545) discloses the machine-readable medium of claim 14, wherein the method further comprises:
generating an authentication code that releases the package from the new delivery location when the new delivery location is a secure delivery location; associating the authentication code with the package identifier, communicating the authentication code to the secure delivery location; and transmitting the authentication code to the transaction device.(Page 9, lines 23-31)

As per claim 19
Ogilvie et al ('545) discloses the machine-readable medium of claim 18,
Official Notice is taken that “verifying the device identifier through a transaction privacy clearing house to validate the transaction device” is common and well known in prior art in reference to secured transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to validate the user via authentication of a devices ID in order to prevent fraudulent usage of the delivery system.

As per claim 20,
Ogilvie et al ('545) discloses a computer system comprising:
a processing unit ;a memory coupled to the processing unit through a bus; and a package delivery monitoring and management process executed from the memory by the processing unit to cause the processing unit to receive a redirection request for a package from a user after completion of an order for an item to be included in the package (Page 3, lines 13-24)

Ogilvie et al ('545) does not explicitly disclose “transmit a package identifier and a new delivery location specified in the redirection request to an entity responsible for the package”, Johnson et al.('971) discloses “transmit a package identifier and a new delivery location specified in the redirection request to an entity responsible for the package”.(Page 12, lines 15-18) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Johnson et al.('971) method in order to allow the user to securely send articles to a third party address..

Ogilvie et al ('545) does not explicitly disclose “wherein the package would otherwise be delivered to a current delivery location ”, Johnson et al.('971) discloses “wherein the package would otherwise be delivered to a current delivery location ”.(Page 2, paragraph 8) It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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combine the Ogilvie et al ('545) method with the Jakobsson et al.('971) method in order to allow promote electronic commerce by enabling anonymous electronic purchases of real items.

Ogilvie et al ('545) does not explicitly disclose "transaction privacy clearinghouse", Stolfo et al.('785) discloses "transaction privacy clearinghouse ".(Figure 1, [elements 112 and 128]) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Stolfo et al.('785) method in order to promote electronic commerce by enabling anonymous electronic purchases of items.

Ogilvie et al ('545) does not explicitly disclose "the package would otherwise be delivered to a current delivery location" The examiner notes that it would be obvious to anyone skilled in the art of bulk package delivery that unless otherwise specified a package would be delivered to the default address specified on the package.

As per claim 21,
Ogilvie et al ('545) discloses the computer system of claim 20,
wherein the process further causes the processing unit to send a delivery notification for the package to the transaction device.(Page 5, lines 13-15).

As per claim 22,
Ogilvie et al ('545) discloses the computer system of claim 20,
wherein the process further causes the processing unit to receive a status request specifying the package identifier from the transaction device (Figure 1B)
to transmit delivery information for the package associated with the package identifier to the transaction device.(Page 14, line 32 – page 15 lines 1-5)

As per claim 23
Ogilvie et al ('545) discloses the computer system of claim 20,
wherein the process further causes the processing unit to generate an authentication code that releases the package from the new delivery location when the new delivery location is a secure delivery location, to associate the authentication code with the package identifier, to communicate the authentication code to the secure delivery location and to transmit the authentication code to the transaction device.(Page 9, lines 23-31)

As per claim 25
Ogilvie et al ('545) discloses the computer system of claim 24,
Official Notice is taken that "verifying the device identifier to validate the transaction device" is common and well known in prior art in reference to secured transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to validate the user via authentication of a devices ID in order to prevent fraudulent usage of the delivery system.

As per claim 26,
Ogilvie et al ('545) discloses a package delivery monitoring and management system comprising:

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functional means coupled to the communication means to provide delivery information for a package to a user, to associate a new delivery location with a package in response to a request from a user,(Page 3, lines 13-24)

to associate an authentication code with a package that releases the package from a secure delivery location; and storage means coupled to the functional means to provide delivery information for packages.(Figure 1B)

Ogilvie et al ('545) does not explicitly disclose "communication means to communicate between a plurality of transaction device, vendors, and distribution networks", Johnson et al.('971) discloses "communication means to communicate between a plurality of transaction device, vendors, and distribution networks".(Page 12, lines 15-18) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Johnson et al.('971) method in order to allow the transaction device to receive notification that the package has arrived.

Ogilvie et al ('545) does not explicitly disclose "wherein the package would otherwise be delivered to a current delivery location ", Johnson et al.('971) discloses "wherein the package would otherwise be delivered to a current delivery location ".(Page 2, paragraph 8) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Ogilvie et al ('545) method with the Jakobsson et al.('971) method in order to allow promote electronic commerce by enabling anonymous electronic purchases of real items.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is **(571) 272-6713**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW

November 26, 2005

M. L. Smith
PRIMARY EXAMINER